

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

VICTOR M. AVALOS, and CAROLINA
B. LARA,

Defendants.

4:16CR3038

ORDER

Defendant Avalos has filed an objection to the findings and recommendation to deny his motion to suppress. The government needs additional time to respond to that objection. And all parties need a final ruling on the motion to suppress know how to prepare for trial. Accordingly,

IT IS ORDERED:

- 1) The government's response to Defendant Avalos' objection, (Filing No. 218), shall be filed on or before April 17, 2017.
- 2) **As to both defendants**, the trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on June 19, 2017, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 3) For the reasons stated above, the Court further finds the parties need additional time to prepare for trial; and that the purposes served by continuing the trial date in this case outweigh the interest of Defendant and the public in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and June 19, 2017, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to

adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

April 12, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge